



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,572	12/20/2001	Dinesh Kashinath Anvekar	P00049	9985

7590 09/21/2005

Bhaskarpillai Gopinath
255 Old New Brunswick Road
Suite N320
Piscataway, NJ 08854

EXAMINER

ZEWDU, MELESS NMN

ART UNIT	PAPER NUMBER
----------	--------------

2683

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

SEP 21 2005

Technology Center 2600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/027,572
Filing Date: December 20, 2001
Appellant(s): ANVEKAR ET AL.

ANVEKAR et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/11/05 appealing from the Office action
mailed 3/15/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is deficient. 37 CFR 41.37(c)(1)(v) requires the summary of claimed subject matter to include: (1) a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters and (2) for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters. The brief is deficient because it asserts that the disclosed and claimed methodology "in one manifestation, converts a non-standard Short Message Service (SMS) message, generally by an originator of the message, into a standard SMS message for propagating over a conventional system." As far as the examiner understands, what is disclosed and claimed is converting a Short Message from one format/standard into another. There is no mention of SM conversion from a non-standard into a standard, as asserted by applicants. The claimed subject matter, as the examiner sees it is "A method for a user of a Short Message Service (SMS) messaging system to instantiate a short message by embedding a value-added user data pre-stored in the user's device, within the short message wherein the value-added user data is indicative of value-added services, including teleconference."

Art Unit: 2683

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0177455 A1	Lehto et al.	11-2002
WO 99/57927	Alperovich et al.	11-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Alperovich et al. (Alperovich) (WO 99/57927).

As per claim 19: Alperovich discloses a system for initiating a teleconference via a short message service (SMS) message comprising:

means for embedding teleconference field in the SMS message by the initiator of the teleconference reads on '927 (see abstract; figs. 2 and 3; page 3, lines 1-20; page 4, line 12-page 5, line 6; page 5, line 28-page 6, line 24). Group call constitutes a teleconference call wherein embedding a field of information is inherent to the encapsulating header associated to the SMS message.

teleconference bridge for establishing the teleconference based upon information in the teleconference field reads on '927 (see abstract; page 3, lines 1-20; page 4, line 12-page 5, line 6; page 5, line 28-page 6, line 24). Since the prior art effectuates a group call connection (teleconference call), bridging this call must be an inherent feature to the prior art system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Lehto et al. (Lehto) (US 2002/0177455 A1).

As per claim 1: Alperovich discloses a method for processing a short message service (SMS) message comprising:

embedding in the SMS message by the originator of the SMS message, the directive being indicative of service requested by the originator reads on "927 (abstract).

instantiating a service from a combination of the field applied by the originator (see abstract; page 4, line 25-page 5, line 6; page 7, lines 3-10). The prior art discloses an exemplary scenario wherein a business may want to make a group call, using SMS, to all employees by encapsulating a header information associated with a SMS message within the SMS, wherein the information to be encapsulated is pre-stored in a SIM or other type of memory (see also, page 1, line 26-page 2 line 2). In brief, the prior art provides the incorporation of additional information/data within a SMS message. Furthermore, examiner considers **instantiating a service** as originating a SMS service, as provided in the prior art (see page 3, lines 8-10). But, Alperovich does not explicitly teach/discloses as to whether the header information (additional information) encapsulated within the SM (short message) and originated/instantiated by the user is a value-added message and a field supplied by originator-specific data pre-stored in an originator database as claimed by applicant or not. However, in a related field of endeavor, Lehto teaches a mobile terminal that includes a composer that enables a user to compose an extension to an SMS message, such as in creating a funny (the composing of a funny being done optionally by altering an existing funny or by pasting into the frames of the funny being created a picture downloaded from a service), a (non-volatile) memory for holding one or more extended SMS messages (such as funnies) (see entire document, particularly page 4, paragraph 0047, lines 4-12, lines 19-31; fig. 4) and "a further advantage of an approach based on providing additional data in an existing SMS messaging infrastructure is that it is possible to also provide new value-added features to the existing SMS messaging infrastructure ---" (see entire document,

Art Unit: 2683

particularly, page 2, paragraph 0012). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Alperovich with the teaching of Lehto for the advantage of providing new value-added features to the existing SMS messaging infrastructure without losing backward compatibilities (see page 2, paragraph 0012).

As per claim 2: Alperovich teaches the method wherein the instantiating includes generating a value-added SMS message based upon the value-added service reads on '927 (see abstract).

As per claim 3: Alperovich teaches the method further including recording information about the value-added service reads on '927 (see abstract).

As per claim 4: Alperovich teaches a method wherein the SMS message includes a destination and the instantiating includes modifying the SMS message in accordance with the value-added service and then sending the modified message to the destination reads on '927 (see abstract; page 3, lines 1-20; page 6, lines 3-12). The gateway modifies the SMS when it unpacks the header contained in the SMS.

As per claim 5: Alperovich teaches a method wherein the originator is identified by a member identifier, the field associates the member identifier with information about the member stored in the database, and instantiating includes substituting information about the member into the SMS message based upon the field and with reference to the database reads on '927 (see abstract; fig. 2; page 2, line 27-page 3, line 31; page 4, line 12-page 5, line 6; page 6, lines 3-24).

As per claim 6: Alperovich discloses a method wherein the field relates to a teleconferencing and includes telephone numbers or member identifiers of participants and further including initiating a teleconference call to each of the participant reads on '927 (see abstract; page 4, line 25-page 5, line 7; page 6, lines 3-24).

As per claim 7: Alperovich discloses a method for processing a short message service (SMS) message comprising:

embedding in the SMS message by the originator of the SMS message, the directive being indicative of service requested by the originator reads on "927 (abstract).

processing the field to instantiate the service reads on '927 (see fig. 2; abstract; page 3, lines 1-20, particularly lines 8-10). Examiner considers instantiating as originating; and the field as being a representative of the information it holds.

implementing the service based upon the field in the SMS message and the originator specific data in the database reads on reads on '927 (see page 3, lines 1-20; page 4, line 25-page 5, line 6). The type of information, like "private" and unique user group ID, stored in a SIM can be considered as originator specific data stored in a database. But, Alperovich does not explicitly teach about whether the information encapsulated/embedded in the SMS, instantiated/originated, processed/received and implemented/applied service is a value-added service and originator-specific data pre-stored in an originator database, as claimed and argued by applicant. However, in a related field of endeavor, Lehto teaches that "a further advantage of an approach based on providing additional data in an existing SMS messaging infrastructure is that it is possible to also provide new value-added features to the existing SMS messaging

Art Unit: 2683

infrastructure ---" (see entire document, particularly, page 2, paragraph 0012) and originator-specific data pre-stored in originator database (see page 4, paragraph 0047, particularly lines 4-12, lines 19-31). It is obvious that information encapsulated/embedded into an SMS messaging as additional information, as shown in the prior art, can be transmitted and received from end-to-end, thereby being applied, processed or implemented. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Alperovich with the teaching of Lehto for the advantage of providing new value-added features to the existing SMS messaging infrastructure without losing backward compatibilities (see page 2, paragraph 0012).

As per claim 8: Alperovich teaches a method wherein the processing includes extracting the field from the SMS message and converting the field into format suitable for efficient processing reads on '927 (see abstract; page 6, lines 3-24).

As per claim 9: Alperovich teaches a method further including recording information about the value-added service reads on '927 (see abstract).

As per claim 10: alperovich teaches a method wherein the SMS message includes a destination and the implementing includes modifying the SMS message in accordance with the value-added service and then sending the modified SMS message to the destination reads on '927 (see abstract; page 3, lines 1-20; page 6, lines 3-32).

As per claim 11: Alperovich teaches a method wherein the originator is identified by a member identifier, the field associates the member identifier with information about the member stored in the database, and implementing includes substituting information

Art Unit: 2683

about the member into the SMS message based upon the field and with reference to the database reads on '927 (see abstract; fig. 2; page 2, line 27-page 3, line 31; page 4, line 12-page 5, line 6; page 6, lines 3-24).

As per claim 12: the feature of claim 12 is similar to the feature of claim 6. Hence, claim 12 is rejected on the same ground as claim 6.

As per claim 13: Alperovich teaches a method wherein the field is a tele-message and includes information relating to a destination and an appointed time of the tele-message and implementing includes sending the tele-message to the destination at the appointed time reads on '927 (see page 4, line 25-page 5, line 6; page 13, lines 9-12). The prior art discloses that other information can be included in the header. So, time or other information need could have been added into the broadcasting SMS message of the prior art.

As per claim 14: the features of claim 14 are similar to the features of claim 1. Hence, claim 14 is rejected on the same ground and motivation as claim 1.

As per claim 15: the features of claim 15 are similar to the features of claim 1, except claim 1 is a method claim and claim 15 is a system for implementing the method steps of claim 1. Hence, claim 15 is rejected on the same ground and motivation as claim 1 since, the system must follow the method steps to perform its required function.

As per claim 16: Alperovich discloses a system for delivering a short message service (SMS) message transmitted over a channel (see abstract), the system comprising:

an input gateway for detecting the SMS message on the channel reads on '927 (see page 3, lines 8-10).

a database for pre-storing data associated with an originator of the SMS message (see page 3, lines 8-20). Interrogating the HLR (line 11) indicates that the HLR holds pre-stored data associated with a short message originator.

a format converter, responsive to the gateway, for extracting the field and for re-formatting the field reads on '927 (see abstract; page 4, lines 25-page 5, line 6; page 5, line 28-page 6, line 12). The system changes the header to indicate that the message type is private, the process of which can be considered as format converting.

a processor, responsive to the format converter, for performing specialized functions to modify the SMS message field reads on '927 (see abstract; figs. 2 and 3; page 2, line 27-page 3, line 20; page 5, line 28page 6, line 24). Since the short message (header) is changed/converted, as shown and discussed above, a processor to perform this function must be an inherent to the system.

an output gateway, responsive to the SMS processor, for converting the modified SMS message to a form suitable for delivery and for transmitting the modified SMS message onto the channel reads on '927 (see abstract, fig. 2; page 2, line 27-page 3, line 29). In particular, the MSC/VLR (page 2, lines 18-26; page 3, lines 16-18) can be considered as an output gateway since it delivers the SMS to a mobile station in its current location. But, Alperovich does not explicitly teach about a SMS having an embedded value-added field; a processor for performing specialized value-added data processing functions to modify the short message based upon the value-added field and the database, as claimed by applicant. However, in a related field of endeavor, Lehto teaches that "a further advantage of an approach based on providing additional data in

Art Unit: 2683

an existing SMS messaging infrastructure is that it is possible to also provide new value-added features to the existing SMS messaging infrastructure ---" (see entire document, particularly, page 2, paragraph 0012). It is obvious that information encapsulated/embedded into an SMS messaging as additional information, as shown in the prior art, can be transmitted and received from end-to-end, thereby being applied, processed or implemented. It is also obvious that information implemented as a value added service in a SMS requires a field/s. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Alperovich with the teaching of Lehto for the advantage of providing new value-added features to the existing SMS messaging infrastructure without losing backward compatibilities (see page 2, paragraph 0012).

As per claim 17: Alperovich teaches a system wherein the processor includes a SMS processor for adding routing information to the SMS message reads on '927 (see abstract; page 5, line 28-page 6, line 12).

As per claim 18: Alperovich teaches a system wherein the processor includes a memory for recording information about value-added data processing functions performed reads on '927 (see abstract; figs. 2 and 3; page 10, lines 12-27).

(10) Response to Argument

As an initial matter:

It is noted that Appellants, in the grouping of claims, assert that the rejected claims do NOT stand or fall together, and then reassert that claims 6, 12, 13, 14 and 19 are related specifically to a teleconference, which indicates that these claims

Art Unit: 2683

CAN stand or fall together. The Appellants then proceeded to argue each claim individually.

The arguments are presented in two phases. In the first phase, Appellants argue against the prior art references separately and basically, on conceptual level. In the second phase, appellants argue against the prior art references as applied to the rejection of the current claims by the examiner. Examiner has attempted to respond to Appellants arguments in accordance with the format they are presented. Thus the response begins with appellants' first phase argument against the reference issued to Alperovich.

Argument I: Appellants argue by saying that Alperovich never teaches or suggests any subject matter related to a teleconference.

Response I: examiner respectfully disagrees with the argument. In that Alperovich discloses/teaches a SMS messaging system that includes a service to a restricted group (see title; abstract) and as discussed above. This group call/service is a tele-service which is a teleconference, a communication between an exclusive group. Hence, examiner did not find the argument the convincing.

Argument II: Appellants argue by saying Lehto never teaches or suggests any subject matter related to a teleconference.

Response II: examiner agrees with appellants that Lehto does not disclose/teach about a teleconference and never took a position otherwise. But, in other respects, the two references are closely related and complementary to each other.

Art Unit: 2683

Argument III: appellants assert, that “what is clear is Aperovich's new “header” (fig. 3) is distinct from the SMS message 310 itself”.

Response III: examiner disagrees with the argument. In that the claims do not recite a SMS message that is indistinct from the SMS itself. Therefore, the argument is not persuasive.

Argument IV: Appellants assert that Aperovich does not discuss how information is pre-pended as an additional message to the SMS message.

Response IV: examiner respectfully disagrees with the argument. In Alperovich, information is pre-pended by being encapsulated within the SMS message itself (see abstract).

Argument V: Appellants use Fig. C2 as a basis to further elaborate the technique of processing/formulating the claimed SMS. In that they assert “it is especially significant, that neither the information-specific header nor the standard SMS message do not make use of any data pre-store (e.g., the day before or even a few months before) by the user prior to the creation of the non-standard SMS message.”

Response V: examiner respectfully disagrees with the argument. In that this argument is totally based on features that were not claimed. For example, there is no mentioning of non-standard message and/or a timeline for a user as to which data and when to use in the process of creating the SMS message in the claims.

Argument VI: Appellants further argue by saying, in Alperovich's SMS transmission system, both non-conventional transmission and non-conventional reception processing are require.

Art Unit: 2683

Response VI: examiner disagrees. Alperovich provides a standard SMS message system using a standard short message service center (see fig. 2, element 220) so that the system can be used by a specified group of subscribers, which is also a conference call.

Argument VII: Appellants argue that in Lehto, "there is not originator-specific data pre-stored (e.g., the day before or even a few months before) by the originator/user of the funny which is ever referenced during the creation of the Extension data."

Response VII: examiner again disagrees with the argument. In that, first the argument is basically includes a feature (as to when the data was stored) that was not claimed. Nonetheless, any data stored in a time period up to the point of transmission qualifies as a pre-stored data. But, this is not for what Lehto is used. Lehto provides a teaching that a value added feature can be included in SMS messaging. In the rejection of the claims this feature is used to modify Alperovich's reference which teaches the technique of encapsulating additional data in a SMS message, as discussed in the body of the rejection in detail.

Argument VIII: Appellants further argue "thus it is clear tha Lehto changes, at least, the manner in which reception processing is effected in an SMS system, that is non-conventional processing is required by Lehto."

Response VIII: examiner respectfully disagrees with the argument. In that, first, Lehto does not say reception is effected by a non-conventional processing device or system or technique. Second, even if that is the case, the claims do not excluding reception by non-conventional processing. Finally, it doesn't matter how reception is effected in

Art Unit: 2683

Lehto. Because, when the references are combined as shown above, the transmission/reception system is going to be Alperovich's SMS messaging system.

Lehto's contribution is directed/limited to the incorporation/addition, into the SMS message, of a value-added feature/service, as clearly stated in the body of the rejection above. Hence, the argument is not persuasive.

Argument IX: Appellants assert that "Alperovich and Lehto cannot function together."

Response IX: examiner respectfully disagrees with the argument. First examiner would like to point out that appellants arrived at this conclusion by treating the references separately, as oppose to in combination, as provided in the body of the rejection of the claims. Furthermore, in these closely related references, Alperovich teaches that additional data can be incorporated into an SMS message. But, he is silent about a value-added data/feature. This deficiency is cured by Lehto's reference, which teaches that a value added feature/data, can be incorporated/added into an SMS message as an additional data. The two references, thus, are complementary and combinable to one of ordinary skill in the art. Therefore, this argument is not persuasive.

Argument X: Appellants further argue by saying "It is very clear that the appellants' point-of-departure relates only to the SMS message per se, and has nothing to do with header processes, and certainly not the introduction of a new "header" structure as required by **Alperovich**. Header manipulation is never at issue in the Appellants' inventive subject matter."

Art Unit: 2683

Response X: examiner disagrees with the argument, because the claims do not exclude header processing or inclusion and/or manipulation of a header within a SMS message, as argued by appellants.

Argument XI: Appellants argue by saying "Alperovich and/or Lehto and the appellants each address a different problem, so the solution should be markedly different.

Response XI: the closely related nature of the references (Alperovich and Lehto) and their combinable features has certainly obviated the claims as they stand currently.

Argument XII: Appellants further query, "where in Alperovich and/or Lehto is there any teaching or suggestion of activities of teleconferencing (as recited in appellants' claims 6,12-14, and 19)?"

Response XII: examiner answers this query by directing appellants to Alperovich's reference (title; abstract; page 4, line 12-32). As was discussed above, examiner considers Alperovich's group messaging/call as a conferences call/messaging.

Argument XIII: in response to examiners statement made in the Final Office Action, appellants argue by saying "the Appellants are clear that there is more than intended use --- they disclose and claim a technique, engendered by the method recitations, which results in the completion of a teleconferencing call, said methodology herefore neither taught or suggested by the prior art, singly or in combination."

Response XIII: examiner agrees with appellants in that the claims in question recite more than intended use. However, as discussed above, examiner considers Alperovich's group message/call, utilized in an SMS messaging system, teaches to the

Art Unit: 2683

extent of what is recited in the claims. Specifically, a person can send a short message to a group of people using a group ID.

Argument XIV: With regard to claim 1, Appellants argue "examiner has failed to treat the recitations of the claim as a whole as required under the patent law. The appellants have been precise in the recitation of "*instantiating the value-added service from the **combination** of the field supplied by the originator and originator-specific data pre-stored in an originator database*". "Yet, the examiner has chosen to conveniently and erroneously ignore the phrase in that Appellants' claim 1 which sets forth that the combination includes utilization of originator-specific data pre-stored in the database."

Response XIV: examiner respectfully disagrees with appellants. First, since a field is not a data in itself, it cannot be supplied or combined by an originator. But, only the data/bit, it holds (its content) can be supplied and/or combined or manipulated.

Appellants seem to be tilting towards separating field and data. Thus, the argument based on this notion (portraying a field as data to be provided and combined, as oppose to its content) stands against convention. Examiner's interpretation of the same is as the content of the field, which is provided by both of the references, although more explicitly by Lehto (page 2, paragraph 0012; page 4, paragraph 0047) wherein existing funny indicates a pre-stored funny data. Furthermore, when the references are combined as shown above the SMS message originated by the user in Alperovich will have a value-added feature/data (existing funny data) encapsulated within the SMS message which obviates the instantiating feature recited by Appellants.

Art Unit: 2683

Argument XV: still with regard claims 1, 5-7, 14-15 and 18, Appellants argue by saying “there is absolutely no teaching or suggestion in Alperovich or Lehto wherein a database is preloaded with originator-specific data which is independent of any particular SMS message and which is used at a later time to instantiate the value-added service”.

Response XV: examiner respectfully disagrees with this argument and would like to refer Appellants to Lehto (page 2, paragraph 0012 and page 4, paragraph oo47), wherein the existing funny data in the same reference indicates that the funny data can be a preexisting/pre-stored in the non-volatile memory.

Argument XVI: with regard to claims 2-4, 8-12 and 17, Appellants argue by saying that the “value-added service is neither anticipated nor obvious from the prior art, so neither is a dependent claim that recites how the value-added service is additionally processed.”

Response XVI: examiner respectfully disagrees with the argument. In that the combination of Alperovich and Lehto obviates the claims in question by providing a value added feature/data (which represents additional service) for users of a SMS messaging user, by encapsulating the additional data into the short message being exchanged between a transmitting and receiving mobile stations.

Argument XVII: with regard to claims 6, 13, 19, Appellants further argue by saying the cited references do even account for embedding teleconference data in a value added service, so logically instantiating the teleconference call is not within the realm of contemplation given the cited references.

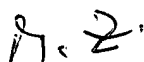
Art Unit: 2683

Response XVII: examiner respectfully disagrees in that the combination of the prior art references do teach and suggest the provision/encapsulation (embedding) of additional data within a SMS message wherein the addition of the additional data further provides the advantage of providing value added services, as discussed in detail in the body of the rejection of the claims. Furthermore, the combination of the prior art references provide for a group call using the additional data embedded/encapsulated within the SMS message. Hence, the argument is not persuasive.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Meless Zewdu



Examiner, AU 2683

14 September 2005.


Conferees:

Trost, William (SPE, AU 2683)

Nick, Corsaro (Primary Examiner)



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600



NICK CORSARO
PRIMARY EXAMINER